

Formal notification to FTI Group's Compliance team and Insolvency Administrator regarding the group's commercial relationship with CAM in the Canary Islands

Dear Mr Sellmann,

In accordance with what was agreed at our video meeting held on 21 June 2024, in relation to the complaint sent on 12 June 2024, which you have registered under reference 2024-94, and in accordance with the European directive on "whistleblowing" DIRECTIVE (EU) 2019/1937 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 23 October 2019 on the protection of whistleblowers who report corruption and breaches of EU law, we are sending you a detailed report of the facts so that you can carry out the appropriate investigations as soon as possible, we are sending you herewith a statement of the facts so that you can carry out the appropriate investigations as soon as possible and, once they have been completed, please send us a detailed report on the conclusions of your investigation.

SUMMARY OF THE FACTS COMPLAINED OF:

1. PARTIES involved in the investment and marketing of the SUN PARK HOTEL:
 1. Main parties affected, and not limited to, owners of the SUN PARK HOTEL:
 1. Luchy Playa Blanca, SL (majority owner);
 2. Aweswell Limited (partner of the majority owner);
 3. Comunidad de Explotación Sun Park (operator of the hotel);
 2. Counterparty allegedly acting for and on behalf of, in conjunction with and/or in collusion with FTI Group-MeetingPoint International-Spain:
 1. José Acosta Matos (hereinafter indistinctly 'JAM' and 'CAM');
 2. Laura Acosta Matos (hereinafter indistinctly 'LAM' and 'CAM');
 3. Francisco Mario Matos Matas;
 4. Antonio Cogolludo Rojas;
 5. Shaila Cogolludo Ramos;
 6. Borja Rodríguez Batllori-Laffitte;
 7. Enrique Guerra Suárez;
 8. Joan Cruz;
 9. Juan José Vera Díaz
 10. Construcciones Acosta Matos, SA (hereinafter 'CAM');
 11. Construcciones Acosta Matos, SL (hereinafter 'CAM');
 12. Sun Park Community of Owners;
 13. Pamanil, SL;
 14. Pamalexsha, SL;
 15. Hotel New Trend, SL;
 16. Canarian Hospitality SL;
 17. RIC Private Equity SRL, SA (a Canarian venture capital investment fund, calling itself "RIC collective investment" [Reservas de Inversión Canaria], which uses the tax benefits of taxpayers, whom it calls "investors", to "invest" in the financing of private energy projects, EU funding [NextGenerationEU, REPowerEU Plan, and European Regional Development Fund] and whose co-founding partner, shareholder and director is CAM, alleged owner of 3 of the 4 initial projects offered in the first version of the investors' prospectus);
 18. Orion Rental Socimi SA;
 19. MGM Capital Canarias SI;
 20. AGM Canary Asset Management SI;
 21. ATOM Hotels Socimi SA;

2. FACTS:

1. In early 2018, FTI-MEETINGPOINT issued a prospectus with the assets in the portfolio, which did NOT include SUN PARK, LAVA VERDE and MYND YAIZA Hotels, nor any assets under the CLUB SEI brand (see [MEETING POINT HOTEL MANAGEMENT E-BROCHURE by Meeting Point International - Issuu](#) and [MPHM_Spain by Meeting Point International - Issuu](#));
2. After the [illegal entry with bribes and coercion of JOAN CRUZ to the SUN PARK HOTEL on 01MAR2018](#) together with 'CAM' to take measurements of all the facilities, without judicial authorisation and behind the backs of the real owners of the HOTEL, and without any agreement that would allow him to publish an [alleged commercial project of the SUN PARK HOTEL on the website of the company he managed at that time](#), we contacted FTI-MEETINGPOINT SPAIN, we contacted FTI-MEETINGPOINT SPAIN and [spoke to JUAN JOSÉ VERA DÍAZ on 05MAR2018](#), who confirmed that *"he had already spoken to the owner of the Hotel, a family from Las Palmas de Gran Canaria regarding the sale and marketing of the SUN PARK HOTEL"* in which we were interested, a conversation after which JUAN JOSÉ VERA DÍAZ disappeared, ceasing to respond to our communications;
3. Both incidents catastrophically interfered in the development of the situation of the SUN PARK HOTEL, from that time to the present (six consecutive years), both in its commercial activity and in the ongoing legal proceedings between CAM and the majority owner of the HOTEL, (LPB, a [company that after the sale and purchase agreement of the HOTEL in 2018 holds](#) 73% of the ownership and participation of the HOTEL as well as the right of acquisition of the remaining 27%, as can be seen from each of the 190 simple notes of the land registry, an example of which is provided), as well as in the market of the banking-finance, travel and tour-operating sectors, since the cause of the reported facts was instrumental in the materialisation of a [crime of usurpation by means of the illegal taking of possession with coercion of the hotel property, and another offence of misappropriation of the corporate documentation and intellectual property of the HOTEL by CAM on 7JUN2018](#) which resulted in criminal proceedings for coercion, a situation which immediately gave rise to the publication by FTI- MEETINGPOINT of an advertising campaign related to the development of an alleged new brand called CLUB SEI (identical to that of the SUN PARK HOTEL) while advertising three hotel locations in which this alleged new brand would be marketed, among which was the Hotel Sun Park, which FTI- MEETINGPOINT called 'CLUB SEI LANZAROTE' (without revealing its actual location, as is clear from the numerous [statements made by the CEO of MEETINGPOINT INTERNATIONAL, Ms Roula Jouny](#), to whom FTI- MEETINGPOINT called 'CLUB SEI LANZAROTE'). [Roula Jouny](#), who was also related to CAM, for the Hotel BEX in Las Palmas de Gran Canaria, included in the FTI-MEETINGPOINT brochures under the brand name DESIGN PLUS);
4. Among the numerous brochures of assets in FTI-MEETINGPOINT's portfolio published and to which we have had access ([meetingpointinternational Publisher Publications - Issuu](#)) it can be seen that it is just after [JOAN CRUZ claims to have left MEETINGPOINTHOTELS](#), on 01NOV2017, (10 days after CAM became a party to an ongoing legal proceeding related to the SUN PARK HOTEL), that it joined forces with CAM, and after the events mentioned in points 2 and 3 above, MEETINGPOINT began to advertise the alleged new CLUB SEI brand, and to formally market the SUN PARK HOTEL as CLUB SEI.

LANZAROTE, updating its asset brochure dated November 2018, reflecting the launch of the new brand ([MP Hotels by Meeting Point International - Issuu](#), [MP Hotels - Jan 2019 by Meeting Point International - Issuu](#), and [Meeting Point Hotels brochure 2019 by Meeting Point International - Issuu](#));

5. Although the identification of the real location of CLUB SEI LANZAROTE is not formally declared by FTI-MEETINGPOINT, [the photos that FTI-MEETINGPOINT promotes under this brand](#) directly and indirectly, through the multiple online travel agents (OTAs) with which FTI-MEETINGPOINT collaborates regularly, coincide exactly with the photos and location of the [project published by CAM in an investment offer](#) promoted through RPE, and [authorised before the CNMV, the Government of the Canary Islands and the Public Treasury](#), without, apparently, anyone, including FTI-MEETINGPOINT, carrying out a simple [due diligence or verifying the real ownership of the marketed and promoted asset](#), in which, with funds derived from European budgets, CAM, [publishing the HOTEL on its own website under the name "LAVA VERDE" under the heading "OWN HOTELS"](#), offers the Sun Park Hotel as a guarantee of payment to obtain financing of 12m€;
6. [The marketing of the HOTEL SUN PARK under the brands, first LAVA VERDE, and then CLUB SEI LANZAROTE, is carried out between 2018 and 2022](#), while CAM proceeds to carry out a comprehensive reform on its own account, without judicial authorisation or that of the real owners of the HOTEL, [the cost of which to top it all off is billed against the majority owner](#), until at least [after 4JUN2022, when FTI-MEETINGPOINT](#) stops publishing and marketing the asset as CLUB SEI LANZAROTE in its holiday brochures, SONNENKLARTV sales page and some associated internet travel agencies (called OTAs, online travel agents), [to start marketing it under the alleged new CAM brand called MYND YAIZA \(identical to that of the SUN PARK HOTEL and therefore an exact copy of CLUB SEI LANZAROTE\)](#) which continues to this day, through the sales page [SONNENKLARTV](#) and associated OTAs, even showing the old pictures of the HOTEL SUN PARK, before the illegal reform of CAM, which are in fact copyrighted;
7. As an example, it should be noted that the internet travel agency (OTA) 1-2-FLY was marketing the SUN PARK HOTEL as CLUB SEI LANZAROTE at this link [1-2-fly.com/buchen/spanien-balearen-kanaren/lanzarote/playa-blanca/hotel/club-sei-lanzarote 3023](#) until 1-2-FLY was taken over by TUI, which now continues to promote the HOTEL with the same link and customer number **(3023)** as 1-2-FLY used, exactly the same as SONNENKLARTV has been using, [https://www.sonnenklar.tv/suchen/Lanzarote/reiseart\(hotel\)/id\(tr-3023\)/zeitraum\(09.07.2024-09.10.2024,beliebig\)](#), proof of this is evidenced by copying and pasting the previous link of 1-2-FLY in an internet search, to obtain as a result the same page of the same asset, same client **(3023)**, and same photos as those published by CLUB SEI LANZAROTE, appearing now as marketing TUI, and brand MYND YAIZA, [https://www.tui.com/hotels/mynd-yaiza-3023/hotelinformation/](#), and that, how can it be otherwise, can not be inferred any kind of coincidence, since it is exactly the same number of customer number used from on 2018 to the present by SONNENKLARTV, which continues to market the HOTEL currently in the name and on behalf of [FTI-MEETINGPOINT](#), under the [same customer number \(3023\)](#);

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8. The SUN PARK HOTEL is currently operated by CANARIAN HOSPITALITY, a company owned by CAM, under the brand MYND YAIZA, also owned by CAM as part of the MYND HOTELS brand, which is none other than the one it obtained from FTI-MEETINGPOINT by copying the CLUB SEI LANZAROTE brand, which in turn was allegedly unlawfully obtained by CAM and JOAN CRUZ when they entered the HOTEL and took possession of all the HOTEL's corporate material as well as the intellectual property of the SUN PARK LIVING trademark, which is none other than that which the SUN PARK HOTEL was promoting between JAN2012 and JUN2018, being the HOTEL;
9. Likewise, and according to a false statement by CAM in the third investor prospectus published by RPE, (third prospectus to intentionally conceal the real ownership of the asset being financed) that the SUN PARK HOTEL is currently [owned by HOTEL NEW TREND, as it appears on page 7-8 of the three versions of the RPE investor prospectuses](#), although neither FTI-MEETINGPOINT, nor CAM, nor HOTEL NEW TREND, nor CANARIAN HOSPITALITY, nor RIC PRIVATE EQUITY, nor are they the owners of the HOTEL SUN PARK, nor are they authorised to market the HOTEL without the authorisation of its real owners, who have been affected against their knowledge and will by the actions and omissions perpetrated by CAM, allegedly in collusion, or not, of FTI-MEETINGPOINT, both benefiting from such promotion, marketing and financing, after having created a false story of a new image based on spurious arguments, completely behind the backs and without the due authorisation of the real owners of the Hotel;
10. It should be noted that, despite our various complaints as whistleblowers under the "European whistleblowing directive" before the different national and European bodies, CNMV, Spanish and German Public Prosecutor's Office, AEAT, UDEF, EPPO, and OLAF, the obvious close collaboration between all the aforementioned parties, especially with FTI-MEETINGPOINT, has served for CAM, in collusion with Borja Rodriguez Batllori-Laffitte, to take extremely serious reprisals against the majority owner of the SUN PARK HOTEL [on 21FEB2022 \(more than 4 years AFTER he became part of the ongoing legal proceedings and launched his false investment offer to the market\)](#) so that CAM, for its own benefit (and to allow FTI-MEETINGPOINT to continue marketing behind the backs of its real owners), could: 1) launder all its actions, omissions, and various offences against the majority owner, and eventually and tortiously, with falsehoods and coercion, 2) take over all the assets of the majority owner, in a sort of illegal commissory pact, without having paid a single cent of the €23.8m€ offered for its acquisition, assuming as its own the real value of the HOTEL of 25.6m€, 3) to [invoice 4.5m€ to the majority owner for the total cost of its illegal refurbishment](#), and 4) in a sort of triple-dipping, ["to invoice also and at the same time 6.4m€ to the investment fund" for the same total cost of its illegal reform, as well as for an alleged creation of 250 new jobs for a single hotel](#)", all of which evidences an intention to use the funds obtained from the investors allegedly in matters other than those declared in the investors' brochure, a brochure without disclaimer, with falsehoods, and therefore a brochure that fails to comply with the minimum requirements by not being completely truthful, accurate and not misleading;
11. Meanwhile, with the alleged knowledge and/or involvement of FTI-MEETINGPOINT, FTI-MEETINGPOINT and CAM have continued to profit mainly at the expense of the assets of the majority owner of the SUN PARK HOTEL until today: one, by defrauding investors,

deceiving them, posing as the new owner of the entire SUN PARK HOTEL, in order to give the appearance of solid economic solvency with which to legitimise the alleged guarantee of payment of its false investment offer, with the sole intention of obtaining financing and allegedly diverting the funds obtained for itself, to use the defrauded money to "get hold of" more assets, reach more marketing agreements, and present more investment offers, with which to obtain more financing and allegedly carry out more irregular and/or illegal transactions, in an endless loop; and another, marketing at least one of the assets offered for investment by CAM for more than six years, that of the SUN PARK HOTEL, without reporting the facts to the judicial proceedings under way, or obtaining judicial authorisation to validate the actions and omissions of its marketing, but to cover up the facts continuously over time with the presumed intention, or at least it would appear so, to give the appearance of solid economic solvency with which to legitimise before the German and international market a significantly better commercial repositioning than it actually had, in order perhaps to avoid the declaration of insolvency which eventually took place;

12. As if that were not enough, 18 days after it was published in [LA PROVINCIA](#) that MEETINGPOINT guaranteed the operation of the hotels, on 24JUN2024 an article was published in [TOURINEWS](#) related to new bankruptcies in FTI, and on 29JUN2024 a similar press release was published in two of CAM's main newspapers, [EL DIA](#) and [LA PROVINCIA](#), related to an employment regulation plan (ERE) that will affect all 120 employees of MEETINGPOINT in the Canary Islands. What is relevant in this news is not in itself the domino effect of FTI's insolvency, nor the fact that it is declared that:

1. *"It does not have a direct impact on the ongoing business of the hotels... (because) they have a positive operating cash flow, and they can continue their business operations without any restrictions with guaranteed bookings for the summer;*
2. *nor that "it is expected that the Wage Guarantee Fund (Fogasa) will end up paying" (the compensation of the affected workers);*
3. *nor that "Meeting Point Spain (which has between 1100 and 1200 workers) will also file for voluntary insolvency proceedings" (in Las Palmas de Gran Canaria, just where the legal proceedings involving the majority owner of the SUN PARK HOTEL and CAM are taking place), despite the fact that "the hotel division is working at full capacity and with high occupancies for this summer";*
4. But to normalise an alleged "change of hands" from MEETINGPOINT, related to BEX Hotel Las Palmas, owned by CAM, to "SERVATUR", a company linked to RPE, and therefore to CAM (and to JOAN CRUZ and JUAN JOSÉ VERA DÍAZ, both now ex-MEETINGPOINT), going so far as to mention that *"there were many hotel owners who thought about a change of step and not a few who carried it out"*; as well as announcing that *'the insolvency administrator.... has already initiated a structured sale process which 'should be completed quickly'*;

13. Currently, both JOAN CRUZ and JUAN JOSÉ VERA DÍAZ are directly linked to CAM and RPE, through SERVATUR HOTELS & RESORTS, direct beneficiary of 34m€ of RPE funding and alleged beneficiary of the "MEETINGPOINT change of hands" announced in the press, and therefore to CAM, as well as to RPE and CAM.

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via ORION RENTAL SOCIMI, MGM CAPITAL CANARIAS SL, AGM CANARY ASSET MANAGEMENT SL and [ATOM HOTELS, a socimi owned by BANKINTER INVESTMENT SA to which MEETINGPOINT and LABRANDA are linked](#), a socimi with [extraordinary results](#) and a [revalued portfolio](#);

14. **Thus, everything that happened with regard to the SUN PARK HOTEL, between 2018 and 2024, seems to be summarised in the fact that neither FTI-MEETINGPOINT nor CAM arrived at the HOTEL legally, but that both, one, posing as the legitimate owner and the other, allegedly in collusion with CAM, marketing the hotel asset owned by third parties for more than six years without judicial authorisation and behind the backs of the real owners of the asset, used an alleged new business that did not exist as bait or cover to commit an investment fraud, with the main intention of obtaining European funding and/or external public and/or private funding, one, using third party tax incentives subject to European budgets, as if they were casino chips, to obtain more than €12m, and the other, allegedly, as additional promising leverage with which to eventually legitimise [a line of funding such as the one eventually obtained during the €600m Economic Stabilisation Fund \(WFS\) coronavirus pandemic](#), both benefiting in the process from a false repositioning on the market thanks to the false promotion and marketing of the asset, both by CAM via RPE and by FTI-MEETINGPOINT via SONNEKLARTV, unjustly and unlawfully enriching themselves with the alleged retail sales, and the financing that both have eventually obtained, apart from seizing the assets of third parties without having made any payment whatsoever;**
15. This party does not know what kind of agreements were reached between the parties, who authorised them and under what title, what was the actual marketing with wholesalers, retailers and direct customers, what documentation was submitted to support the due authorisation of such marketing, and how the change of name and ownership of the HOTEL, which remains the same customer that both parties, CAM and FTI-MEETINGPOINT have been working with from 2018 to the present, has been justified;

In view of the seriousness of the facts described above, and the continuing actions and omissions of all those involved, we again denounce the facts to you so that you may proceed as soon as possible to open a line of investigation to clarify the real extent of the consequences of the facts described above, and in the meantime, agree on measures to protect the assets in question, and as a precautionary measure, suspend the sale of assets and brands until this matter is resolved in order to avoid further complicating the legal proceedings underway, all the more so because we fear that all the different actors may be playing a coordinated role in helping each other to hide evidence in the form of a triangular carousel, fraudulently misusing funds and budgets of the EU and different jurisdictions, in an attempt to maximise profits for themselves, with liquid and/or in-kind funds (assets, brands, marketing, etc) while "transferring" debts to EU administrations to write them off.

We therefore remain at your disposal for any questions you may have, and will copy the insolvency administrators of FTI Group and Meeting Point, Mr. Bierbach and Mr. Scharltl.

Sincerely, Gil Marer (Summers)



in Madrid, 01st July 2024